

No. 481, S.]

[Published July 16, 1927.]

**CHAPTER 365.**

AN ACT to amend subsections (12) and (13) of section 42.55 of the statutes, relating to teachers' annuity and retirement fund in cities of the first class.

*The people of the State of Wisconsin, represented in Senate and Assembly, do enact as follows:*

SECTION 1. Subsections (12) and (13) of section 42.55 of the statutes are amended to read: (42.55) (12) *(a) All applications or claims for annuity or for refund of contributions, and proofs in support of any such claim, shall be made to the board of trustees in such manner and form as the board of trustees may prescribe or deem sufficient, and the board of trustees may make reasonable rules and regulations for making, hearing, and determining claims and for carrying into effect the provisions of this section. The city treasurer, upon order or warrant of the board of trustees shall pay out of said annuity and retirement fund, in monthly payments, to each retired teacher \* \* \* an annuity in such sum as such retired teacher shall be entitled to and as shall have been determined by said board of trustees, in accordance with the provisions of this section.*

\* \* \* *(b) A teacher who has taught twenty-five years in public schools, at least fifteen of which must have been served in the public schools of a city to which this section applies, \* \* \* upon filing with the board of trustees proper application, sufficient proofs of teaching service, the date of retirement therefrom, compliance with the provisions of this section with respect to required contributions, and a certificate of incapacity \* \* \* for teaching service sworn to by his attending physician and by a physician employed by the board of trustees, and upon determination by the board of trustees that such teacher presumably is incapacitated permanently for teaching service, shall be paid \* \* \* an annuity of six hundred dollars.*

\* \* \* *(c) For every additional year of service over twenty-five, a teacher, entitled to an annuity under the provisions of this section, shall \* \* \* be paid an additional sum of twenty dollars a year; but every such additional year of service shall have been rendered in the public schools in such city of the first class, and in no case shall any pension or annuity exceed the sum of nine hundred dollars a year.*

\* \* \* (d) \* \* \* A teacher who has taught \* \* \* fifteen years or more *in the public schools* in any such city, and who has become incapacitated *for teaching service* and \* \* \* has paid the amount of fifteen years' contribution or more, \* \* \* upon filing with the board of trustees proper application, sufficient proofs of teaching service, temporary cessation from active teaching service for six months preceding application, compliance with the provisions of this section with respect to required contributions, and a certificate of such incapacity \* \* \* sworn to by his attending physician and by a physician employed by the board of trustees, \* \* \* and upon determination by the board of trustees that such teacher presumably is incapacitated temporarily for teaching service, may be allowed and paid, six months after he has ceased, temporarily, active teaching service, and for the duration of such incapacity, a proportionate annuity, the amount of which, to be determined by the board of trustees, shall be, as nearly as practicable as many twenty-fifths of \* \* \* six hundred dollars \* \* \* as the years of teaching service of such teacher *in the public schools* in said city are a part of twenty-five, and such annuity shall cease when the incapacity ceases. Should such incapacity become permanent and should such teacher retire from the teaching service of such city, the board of trustees, upon its determination that such teacher has retired and presumably is incapacitated permanently for teaching service, may \* \* \* allow and cause to be paid to such teacher a proportionate annuity, which shall be, as nearly as practicable, as many twenty-fifths of \* \* \* six hundred dollars as the years of teaching service of such teacher *in the public schools* in said city are a part of \* \* \* twenty-five.

\* \* \* (e) \* \* \* A teacher who has taught \* \* \* fifteen or more years and less than twenty-five years *in the public schools* in any such city, and who shall have attained the age of sixty-five years, having paid the full amount of contribution for each year of such teaching service *in the public schools* in such city, upon filing with the board of trustees proper application, sufficient proofs of age, teaching service, the date of retirement therefrom, and compliance with the provisions of this section with respect to contributions, may be allowed and paid a proportionate annuity which shall be, as nearly as practicable, as many twenty-fifths of \* \* \* six hundred dollars,

\* \* \* as the years of *teaching* service of such teacher *in the public schools* in said city are a part of twenty-five.

\* \* \* (f) Upon \* \* \* *certification* by the superintendent of schools, if any, and the managing body of such schools, *by its proper officers*, to the board of trustees \* \* \* that a teacher who has come under the provisions of this section \* \* \* *presumably* is mentally or physically incapacitated *permanently for teaching service and has been retired from teaching service because of such incapacity, and upon filing with the board of trustees by such school officers sufficient proofs in support of such teacher's incapacity, length of teaching service, and compliance with the provisions of this section with respect to contributions, the board of trustees shall allow and cause to be paid to such teacher an annuity the amount of which shall be, as nearly as practicable, as many twenty-fifths of six hundred dollars as the years of teaching service of such teacher are a part of twenty-five.*

\* \* \* (g) On the application of any teacher coming under the provisions of this section, and having complied therewith, said board of trustees shall retire such teacher provided he has been engaged in the work of teaching *in public schools* for a period aggregating thirty-five years, twenty of which shall have been in the public schools of such city and such teacher shall be entitled to receive *and be paid* the annuity provided for in paragraphs \* \* \* (b) and \* \* \* (c) of this subsection.

\* \* \* (h) On the application of any teacher coming under the provisions of this section who has complied therewith and is sixty-five years of age, said board of trustees shall retire such teacher provided he has been engaged in the work of teaching for a period aggregating twenty-five years *in public schools*, fifteen years of which shall have been *in the public schools* in the said city, and such teacher shall be entitled to receive *and be paid* the annuity provided for in paragraphs \* \* \* (b) and \* \* \* (c) of this subsection.

(13) All annuities granted by the board of trustees \* \* \* under the provisions of this section shall be uniform in amount except as otherwise provided herein, *and shall be computed from the first day of the month next following the date of retirement of the annuitant from teaching service in such city, except that the temporary incapacity annuity provided for in paragraph (d) of subsection (12) of this section shall be computed from a date*

*six months after such annuitant temporarily has ceased active teaching service. No annuity, except the temporary incapacity annuity provided for in paragraph (d) of subsection (12) of this section, shall be paid to any person until such person shall have retired from teaching service in the public schools to which this section applies and all applications for annuity and proofs in support thereof shall be filed with the board of trustees within one year after the applicant retires from teaching service in such city, except that the temporary incapacity annuity provided for in paragraph (d) of subsection (12) of this section may be applied for, allowed and paid as therein provided before the recipient thereof has retired from teaching service in such city. No teacher shall be deemed to have retired from teaching service until such teacher shall have resigned from his position or the managing body of the schools of such city legally shall have caused such teacher's name to be stricken from the official list of teachers.*

SECTION 2. This act shall take effect upon passage and publication.

Approved July 14, 1927.

No. 599, S.]

[Published July 16, 1927.

## CHAPTER 366.

AN ACT to appropriate a sum of money to the custodian of memorial hall for the execution of the functions prescribed in sections 45.01 to 45.04 inclusive, as an emergency appropriation for the fiscal year ending June 30, 1927.

*The people of the State of Wisconsin, represented in Senate and Assembly, do enact as follows:*

SECTION 1. There is appropriated from the general fund to the custodian of memorial hall two hundred dollars for operation in addition to all other appropriations heretofore made for that purpose, for the execution of the functions prescribed by sections 45.01 to 45.04 inclusive, for the fiscal year ending June 30, 1927.

SECTION 2. This act shall take effect upon passage and publication.

Approved July 14, 1927.